

REMARKS:

This application has been reviewed in light of the Office Action mailed June 22, 2010. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 16-40 are pending in the application with claims 16, 19, 22, 26, 29, 32, and 36-39 being in independent form.

Rejection under 35 U.S.C. § 103 (a)

Claims 16, 19, 22, 26, 29, 32, and 36-38 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Stenman et al. (U.S. Patent No. 6,223,029) (hereinafter “Stenman”) in view of Shim (U.S. Patent No. 6, 078, 270) (hereinafter “Shim”). Applicants respectfully traverse this rejection for the following reasons. Neither Stenman nor Shim teach “a group of remote control codes for only one predetermined controlling operation” and “transmission means for transmitting to the target equipment the group of remote control codes as a batch for the only one predetermined controlling operation to be performed on the target equipment in response to a user operation.” (emphasis added). The Examiner asserts, in the section of the Response to Argument (Office Action, page 2), that the “one predetermined controlling operation” limitation is not narrowed to exclude reasonably broad interpretation that can constitute both a single or multiple instructions to be transmitted to a targeted piece of equipment as a user’s selected “operation” and thus, the Examiner maintains that the reference cited encompasses transmitting means for initiating a single or multiple instruction data sets, thus concluding that the disputed limitation reads on Shim’s disclosure for user’s initiated transmission of plural data.

Applicants respectfully disagree. The definition of “multiple” is “having or involving more than one part, individual, etc.” (See attached, <http://dictionary.reference.com/> emphasis added). As can be seen in the definition, “multiple” does not include “single” as the Examiner

asserts. On the other hand, the definition of “only” is “being the single one or the relatively few of the kind.” (See attached, <http://dictionary.reference.com/>). Therefore, “only one” recited in the claim is not included in “multiple.”

Shim teaches 1) a single code for controlling a single function, and 2) multiple codes for controlling multiple operations, each code for controlling one operation. By contrast, the claimed invention includes multiple codes for only one operation, which distinguishes from Shim.

The claims recite “only one predetermined controlling operation” and not just “one predetermined controlling operation” as the Examiner contends. Applicants submit that “All words in a claim must be considered in judging the patentability of that claim against the prior art.” (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), M.P.E.P.2143.03 and M.P.E.P.2106II, C). In particular, applicants point out that “only one” is different from “one.” It is reasonable to interpret that “multiple” does not include “one.” Further, even if “multiple” happens to be “one,” i.e. if “multiple” could read on “one,” which Applicants dispute, it cannot be said that “multiple” reads on “only one” because “only one” is always “one,” whereas “multiple” can be any number more than two. That is, “happens to be one” and “always one” are different and, more specifically, “multiple” does not read on “only one.” Therefore, Shim does not teach the limitations mentioned above.

Also, the Examiner asserts that Stenman teaches “storage means for storing a group of remote control codes for only one predetermined controlling operation to be performed on the target equipment; and transmission means for transmitting to the target equipment the group of remote control codes for the only one predetermined controlling operation to be performed on the target equipment in response to a user operation” at column 3, lines 30-33 and column 7,

lines 49-65. Stenman teaches a user interface 2050 and command control module 2025, wherein a user can control the various peripheral devices through spoken commands. Control of the peripheral devices 2040 is effectuated via a dual tone multifrequency (DTMF) recognition module 2060 responsive to DTMF commands keyed in by a user. Additional command formats may also be used to control the peripheral device through some type of command module. Alternatively, the user interface 2050 may include means for initiating commands through the use of buttons, a touch screen, joystick or other type of mechanical controller useful for handicap individuals. However, Stenman cannot be said to teach a group of remote control codes for only one predetermined controlling operation as recited in the claims of the present invention.

Also, these claims recite “transmission means for transmitting to the target equipment the group of remote control codes as a batch for the only one predetermined controlling operation to be performed on the target equipment in response to a user operation,” (emphasis added), which is not taught by Stenman. Therefore, Stenman does not cure the deficiency of Shim.

Therefore, independent claims 16, 19, 22, 26, 29, 32, and 36-38 are patentable over Shim and Stenman for at least the above-mentioned reasons. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to claims 16, 19, 22, 26, 29, 32, and 36-38 under 35 U.S.C. § 103(a).

Claim 17 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Stenman and Shim and further in view of August et al. (U.S. Patent No.5,671,267) (hereinafter “August”). August is cited as teaching that the group of remote control codes forms recording information for recording of a program. However, August does not cure the deficiency of Stenman and/or Shim. Claim 17 depends on independent claim 16, and, therefore, claim 17 is patentable for at

least the same reasons as claim 16. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to claim 17 under 35 U.S.C. § 103(a).

Claims 18, 21, 25, 28, 31, and 35 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Stenman and Shim and further in view of Wall. Wall is cited as teaching downloading the various remote control codes associated with the plurality of operation buttons in a one-to-one relationship from a server as recited in the claims. However, Wall does not cure the deficiency of Stenman and/or Shim. Claims 18, 21, 25, 28, 31, and 35 depend on independent claims 16, 19, 22, 26, 29 or 32, each of which are patentable over the combination of Stenman and Shim, as discussed above. Therefore, dependent claims 18, 21, 25, 28, 31, and 35 are patentable for at least the same reasons as their base claims are patentable.

Claim 28 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Stenman and Shim and further in view of Wall. Wall does not cure the deficiency of Stenman and/or Shim as mentioned above. Therefore, claim 28 is patentable for at least the same reasons as claim 26.

Claims 31 and 35 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Stenman and Shim and further in view of Wall. Wall does not cure the deficiency of Stenman and/or Shim as mentioned above. Therefore, claims 31 and 35 are patentable for at least the same reasons as their base claims.

Claims 20, 23, 24, 27, 30, 33 and 34 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Stenman and Shim and further in view of August. August does not cure the deficiency of Stenman and/or Shim. Claims 20, 23, 24, 27, 30, and 33-34 depend on independent claims 19, 22, 26, 29 or 32, each of which is patentable over Stenman and Shim as discussed above. Therefore, claims 20, 23, 24, 27, 30, and 33-34 are patentable for at least the same reasons as their base claims are patentable.

Claims 39 and 40 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Stenman and Shim and further in view of Wall. Claim 39 includes similar features as claims 16, 19, 22, 26, 29, 32, 36-38, which are patentable over Stenman and Shim as mentioned above. Wall does not cure the deficiency of Stenman and/or Shim as mentioned above. Therefore, claim 39 and dependent claim 40 are patentable for at least the same reasons as claims 16, 19, 22, 26, 29, 32, 36-38.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that all claims presently pending in the application, namely, claims 16-40, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at the number indicated below.

Respectfully submitted,

/Katherine R. Vieyra/

Katherine R. Vieyra
Registration No. 47,155

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Ste. 300
Garden City, New York 11530
(516) 742-4343

KRV:NT:ae

Enc.: Dictionary Definitions